

REGULATION 2.08 Emissions Fees, Permit Fees, Permit Renewal Procedures, and Additional Program Fees

**Air Pollution Control District of Jefferson County
Jefferson County, Kentucky**

Relates To: KRS Chapter 77 Air Pollution Control

Pursuant To: KRS Chapter 77 Air Pollution Control and
KRS Chapter 224 Environmental Protection

Necessity And Function: KRS 77.180 authorizes the Air Pollution Control Board to adopt and enforce all orders, rules, and regulations necessary or proper to accomplish the purposes of KRS Chapter 77. The Act Title V requires the assessment of operating permit emissions fees necessary to operate the Act Title V-required activities of the District. This regulation establishes emissions fees, permit fees, the procedures for permit renewal, and additional program fees.

SECTION 1 Title V Emissions Fees

- 1.1 Emissions fees are required from all major sources defined in Regulation 2.16 *Title V Operating Permits* that are subject to the operating permit requirements of Regulation 2.16 and all stationary sources for which an administratively complete operating permit application pursuant to Regulation 2.16 has been submitted to the District.
- 1.2 Beginning with Fiscal Year 1997 (July 1, 1996, through June 30, 1997) and for each fiscal year thereafter, and for the purpose of the July 1st interim billing for that fiscal year, emissions fees shall be calculated by multiplying the total of all the single pollutant actual emissions in tpy, as affected by the limitations of section 1.3, by the EPA-published Annual Emissions Fee Amount Consumer Price Index for the year in which the emissions occurred. The Board may, by resolution, adjust the emissions fee rate applicable to a fiscal year based upon the review required by section 4.1 and after the public review process specified in section 4.3. If the Board adjusts the emissions fee rate applicable to a fiscal year, the new emissions fee rate shall be retroactive to July 1st of that year and the supplemental emissions fees specified in the supplemental billing shall be calculated by multiplying the difference in emissions fee rates by the same single pollutant total as used for the interim billing.
- 1.3 The total of all the single pollutant actual emissions in tpy shall be modified by the following limitations:
 - 1.3.1 The total annual emissions fee shall be the sum of the single pollutant fees except that no pollutant shall be counted in more than one single pollutant category,
 - 1.3.2 No more than 4,000 tpy of the actual emissions of a single pollutant shall be counted toward the total emissions of a stationary source, and
 - 1.3.3 Carbon monoxide emissions shall not be counted toward the total emissions.
- 1.4 Emissions fees shall be calculated based upon the actual emissions from the stationary source for the calendar year preceding the start of the fiscal year in which the fee is due. Emissions statements are required to be submitted in accordance with Regulation 1.06 *Source Self-Monitoring and Reporting*. If data for the preceding year are not submitted, then the District shall determine the fees based upon potential to emit.
- 1.5 Emissions fees are due annually beginning July 1, 1994. Payment of emission fees is due within 30 days of the billing date or July 31, whichever is later. In certain situations, the

- 31 District may approve an installment schedule of payments not more frequently than quarterly.
 32 1.6 Failure to pay emissions fees when due is a violation of District regulations. This failure is
 33 subject to penalties and an increase in the fee of an additional 5% per month up to a
 34 maximum of 25% of the original amount due. In addition, failure to pay emissions fees
 35 within 60 days of the due date shall automatically suspend the stationary source's permits to
 36 operate until the fees are paid or a schedule for payment acceptable to the District has been
 37 established.

38 **SECTION 2 Permit Fees**

- 39 2.1 The permit fees listed in Section 2 shall apply to Fiscal Year 2001 (July 1, 2000, to
 40 June 30, 2001) to the extent that the date of the applicable event identified in section 2.3 is
 41 on or after July 1, 2000. If the date of the applicable event identified in section 2.3 is before
 42 July 1, 2000, then the permit fee listed in the June 16, 1999, version of this regulation shall
 43 apply.
- 44 2.2 Beginning with Fiscal Year 2002 (July 1, 2001, to June 30, 2002) and for each fiscal year
 45 thereafter, all permit fees shall be calculated by multiplying the applicable permit fee for the
 46 previous fiscal year by the sum of 1 plus the fractional change in the Consumer Price Index
 47 as is used in section 1.2 for calculating the Title V emissions fee rate, rounded to the nearest
 48 dollar. The District shall make available, at the beginning of each fiscal year, a document
 49 that lists the calculated permit fees applicable to that fiscal year.
- 50 2.3 The fiscal year used for determining the applicable permit fee is as follows:
- 51 2.3.1 For construction permits, permit transfers, and asbestos demolition/renovation permits,
 52 the fiscal year in which the permit is issued,
- 53 2.3.2 For construction permit renewals, the fiscal year in which the construction permit
 54 expires,
- 55 2.3.3 For first-issue operating permits, the fiscal year in which the construction permit expires
 56 and is not renewed pursuant to section 2.5.3,
- 57 2.3.4 For first-issue FEDOOP permits, the fiscal year in which the FEDOOP permit is issued,
 58 and
- 59 2.3.5 For renewal operating permits and FEDOOP permits, the fiscal year in which the
 60 previous operating permit or FEDOOP permit expires.
- 61 2.4 Fees for permits except permit transfers and asbestos demolition/renovation permits
 62 reviewed or issued pursuant to this regulation shall be based upon the pollutant that has the
 63 largest potential to emit and are on a per permit basis. Construction permits are based on
 64 potential to emit for the total project and operating permits are based on the potential to emit
 65 for the entire stationary source.
- 66 2.5 Construction Permit Fees
- 67 2.5.1 Construction permits shall be valid for a period of 1 year. The permit fee shall be
 68 determined by the following criteria for each permit:
- 69 2.5.1.1 Subject to Federal PSD/NSR (includes "net-outs," "offsets," other
 70 exemptions, or subject to NSPS or NESHAPs) \$ 5,638
- 71 2.5.1.2 100 tpy or more, the basic fee is \$ 3,759
- 72 2.5.1.2.1 Subject to NSPS, add to the basic fee \$ 1,342
- 73 2.5.1.2.2 Subject to NESHAPs, add to the basic fee \$ 1,342
- 74 2.5.1.3 Less than 100 tpy, but greater than or equal to 50 tpy,

75		the basic fee is	\$ 2,282
76	2.5.1.3.1	Subject to NSPS, add to the basic fee	\$ 1,007
77	2.5.1.3.2	Subject to NESHAPs, add to the basic fee	\$ 1,007
78	2.5.1.4	Less than 50 tpy, but greater than or equal to 10 tpy, the basic fee is	\$ 872
79	2.5.1.4.1	Subject to NSPS, add to the basic fee	\$ 671
80	2.5.1.4.2	Subject to NESHAPs, add to the basic fee	\$ 671
81	2.5.1.5	New Stage II Gasoline Dispensing Facilities	\$ 1,950
82	2.5.1.6	Modified Stage II Gasoline Dispensing Facilities for which testing	
83		or retesting is necessary	\$780
84	2.5.1.7	Less than 10 tpy, but greater than or equal to 5 tpy, or	
85		Stage I Gasoline Dispensing Facilities of greater than 1000 gallon capacity,	
86		the basic fee is	\$ 671
87	2.5.1.7.1	Subject to NESHAPs or NSPS, add to the basic fee	\$ 335
88	2.5.1.8	Stage I Gasoline Dispensing Facilities of greater than 250 gallon	
89		capacity but less than or equal to 1000 gallon capacity	\$ 168
90	2.5.1.9	Less than 5 tpy and TAP greater than the adjusted significant level or	
91		subject to NSPS or NESHAPs (except asbestos demolition/renovation	
92		projects subject to section 2.8), the basic fee is	\$ 470
93	2.5.1.10	Less than 5 tpy; and not subject to NSPS or NESHAPs, and no TAP greater	
94		than the adjusted significant level	\$ 250
95	2.5.1.11	Permit transfers at non-Title V stationary sources	\$ 67
96	2.5.2	On applications for construction permits where there are 2 or more identical pieces of	
97		equipment at the same location, the fee shall be the same as that specified for 1 piece of	
98		equipment.	
99	2.5.3	Construction permits may be renewed until the project is completed and the affected	
100		facility is in operation unless 1 of the provisions in Regulation 2.03 <i>Permit Requirements</i>	
101		- <i>Non-Title V Construction and Operating Permits and Demolition/Renovation Permits</i>	
102		section 5.4 is met. The construction permit renewal fee shall be \$604 or the applicable	
103		construction permit fee, whichever is less.	
104	2.6	Non-Title V Operating Permit Fees	
105	2.6.1	Non-Title V operating permits are for stationary sources that are not subject to the	
106		emissions fees of Section 1.	
107	2.6.2	Non-Title V operating permits are valid for up to 5 years except as noted in Section 3 if	
108		no changes are made to the process operation equipment, the air pollution control	
109		equipment, or the raw materials; or if there is no increase in the pollutant emission rate.	
110		If changes are proposed, the owner or operator shall apply for the appropriate permits and	
111		any resulting permits shall be issued at full fee.	
112	2.6.3	Expiration dates of non-Title V operating permits for a stationary source shall be adjusted	
113		to a common date and fees shall not be prorated.	
114	2.6.4	Non-Title V operating permits are issued on an equipment basis and the District may	
115		require multiple permits.	
116	2.6.5	The permit fee shall be determined by the following criteria for each permit:	
117	2.6.5.1	Reissuance of a permit for which the sole change is the name or	
118		address of the stationary source (this does not include change	
119		of owner or operator or relocation)	\$ 40

120	2.6.5.2	Greater than or equal to 100 tpy but not subject to the Title V program . . .	\$1,040
121	2.6.5.3	Less than 100 tpy, but greater than or equal to 50 tpy, the basic fee is	\$ 416
122	2.6.5.4	Less than 50 tpy, but greater than or equal to 10 tpy, the basic fee is	\$ 312
123	2.6.5.5	Less than 10 tpy, but greater than or equal to 5 tpy, or	
124		Stage I Gasoline Dispensing Facilities, the basic fee is	\$ 208
125	2.6.5.6	Less than 5 tpy, the basic fee is	\$ 156
126	2.6.5.7	Gasoline Dispensing Facilities - Stage II, add to the Stage I fee per	
127		fueling position	\$ 166
128	2.6.5.8	Subject to NSPS, add to the applicable basic fee	\$ 52
129	2.6.5.9	Subject to NESHAPs, add to the applicable basic fee	\$ 52
130	2.6.5.10	TAP greater than the adjusted significant level, add to	
131		the applicable basic fee	\$ 52
132	2.6.5.10 1	Greater than 5 tpy of a single HAP or greater than 10 tpy of all HAPs	
133		combined, add to the applicable basic fee	\$ 52
134	2.6.5.11 2	Banking Permit (issuance or reissuance with modification,	
135		no renewal required.)	\$ 403
136	2.6.5.12 3	Permit transfers	\$ 67
137	2.7	Federally Enforceable District Origin Operating Permit (FEDOOP) Fees	
138	2.7.1	Permit fees under section 2.7 are for stationary sources that applied for, and were issued,	
139		a FEDOOP permit pursuant to Regulation 2.17 <i>Federally Enforceable District Origin</i>	
140		<i>Operating Permits</i> .	
141	2.7.2	FEDOOP permits are valid for 5 years unless voided at the request of the applicant or	
142		revoked pursuant to Regulation 2.17 section 6.5.	
143	2.7.3	The FEDOOP permit fee shall be the sum of the following:	
144	2.7.3.1	Special processing fee (including cost of public notification) of \$416 and	
145	2.7.3.2	The sum of the permit fees for all of the emissions units at the stationary source that	
146		normally would be assessed pursuant to section 2.6 if the stationary source had not	
147		applied for a FEDOOP permit.	
148	2.7.4	The permit fee for initial issuance of a FEDOOP permit pursuant to section 2.7.3.2 shall	
149		be adjusted on a prorated basis to account for the unexpired term of any previously issued	
150		operating permits pursuant to section 2.6.	
151	2.7.5	The permit fee for revision of a FEDOOP permit shall be the amount that, in the absence	
152		of section 2.7, would have been required by section 2.5 or section 2.6.	
153	2.7.6	The permit fee for the initial FEDOOP permit and subsequent renewal FEDOOP permits	
154		shall be divided by the number of years for which that FEDOOP permit is issued and the	
155		District shall issue a statement of fees annually for the calculated quotient.	
156	2.8	The permit fee or notification fee for asbestos demolition/renovation projects shall be	
157		determined by the following criteria:	
158	2.8.1	NESHAPs asbestos demolition/renovation projects:	
159	2.8.1.1	The basic permit fee including the first 1500 linear or square feet	\$ 537
160	2.8.1.2	Add to the basic permit fee for each additional full or partial increment of	
161		1500 linear or square feet	\$ 537
162	2.8.2	NESHAPs asbestos demolition/renovation projects using glovebags:	
163	2.8.2.1	The basic permit fee including the first 1500 linear or square feet	\$ 336
164	2.8.2.2	Add to the basic permit fee for each additional full or partial increment of	

165		1500 linear or square feet	\$ 336
166	2.8.3	Non-NESHAPs asbestos demolition/renovation projects:	
167	2.8.3.1	The basic permit fee including the first 3,000 linear or square feet	\$ 201
168	2.8.3.2	Add to the basic permit fee for each additional full or partial increment of	
169		3000 linear or square feet	\$ 201
170	2.8.4	Notification fee for all asbestos demolition/renovation projects for which	
171		the quantity involved is less than 260 linear feet on pipes and 160 square	
172		feet on other facility components (sections 2.1 to 2.3 apply)	\$ 25
173	2.8.5	Each address on a multiple-dwelling project shall be assessed a fee based upon the	
174		criteria in sections 2.8.1 to 2.8.4.	
175	2.8.6	A single permit may be issued with any number of combinations of projects described	
176		in sections 2.8.1 to 2.8.4.	
177	2.9	Permit fees are payable by cash, check, or money order to the District and due 30 days after	
178		the issuance of a statement of fees by the District. Failure to timely pay for permits may	
179		cause the issuance of a notice of violation.	
180	2.10	Failure to timely pay for permits issued pursuant to section 2.8 may also cause the	
181		requirement that permits be paid for only by cash, money order, or cashier's check and at the	
182		time of issuance.	
183	2.11	Failure to pay permit fees for permits issued pursuant to sections 2.5.1.1 to 2.5.1.10, 2.6, or	
184		2.7 within 60 days of the due date may also cause the suspension of the unpaid permits until	
185		the fees are paid or a schedule for payment acceptable to the District has been established.	

SECTION 3 Permit Renewal And Transfer

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187	3.1	All stationary sources shall renew operating permits every 5 years.	
188	3.2	The District, at its discretion, may adjust individual permit time periods up to 1 year to	
189		conform with its inspection schedules of stationary sources.	
190	3.3	Instead of the expiration date and fee provisions of section 2.6.3, section 2.7.2,	
191		section 2.7.3.2, section 3.1, or section 3.2, the District, at its discretion, may, at permit	
192		renewal or at any time during the term of a permit, adjust an individual non-Title V operating	
193		permit time period by an amount greater than 1 year. If, at the time of operating permit	
194		renewal, the District adjusts the time period for the permit by more than 1 year, then the	
195		permit fee, other than the special processing fee pursuant to section 2.7.3.1, shall be adjusted	
196		on a prorated basis to account for the shortened length of time for which the renewed permit	
197		is valid. If, during the term of an operating permit, the District adjusts the time period for	
198		the permit by more than 1 year, then the permit fee, other than the special processing fee	
199		pursuant to section 2.7.3.1, for the subsequent permit renewal shall be adjusted on a prorated	
200		basis to account for the shortened length of time for which the permit is valid.	
201	3.4	Except for construction permits and operating permits at Title V stationary sources, permits	
202		issued under this regulation may be reissued to a new owner or operator (transferred)	
203		provided that all of the following provisions are met:	
204	3.4.1	A written agreement containing a specific date for transfer of permit responsibility,	
205		coverage, and liability between the current and new permittee has been submitted to the	
206		District,	
207	3.4.2	The District determines that no other changes in the permit are necessary, and	

- 3.4.3 The permit contains an additional permit condition that allows the District to revise the permit to increase monitoring, record keeping, and reporting requirements.
- 3.5 The transfer of construction permits and operating permits at Title V stationary sources is subject to the requirements of Regulation 2.16 sections 1.3.4 and 5.4.
- 3.6 Banking permits are not subject to periodic renewal. However, a modified banking permit, subject to the permit fee provisions of section 2.6.6.12, shall be issued after each banking transaction, either ERCs deposited or removed.

SECTION 4 Review Of Emissions And Permit Fees

- 4.1 Emissions, construction, and operating fees shall be reviewed each year by the Board.
- 4.2 The annual emissions fee review shall be presented to EPA to document the adequacy of the fees collected to satisfy the requirements of the Act.
- 4.3 The Title V emissions fee rate adjustment public review process pursuant to section 1.2 shall consist of the following steps:
- 4.3.1 Information on the actual expenses incurred during the previous fiscal year, the projected expenses for the current fiscal year, the total for all the affected stationary sources of all the single pollutant actual emissions, as affected by the limitations of section 1.2.1, for the previous year, and the resulting adjusted emissions fee rate shall be presented to the Title V Permit Fee Advisory Panel (Advisory Panel). If a quorum of the Advisory Panel is not present at a meeting scheduled by the District for this purpose, then this step shall be met by the District mailing this information to the Advisory Panel members,
- 4.3.2 The Advisory Panel shall have an opportunity to review the information identified in section 4.3.1 and make a recommendation to the Board,
- 4.3.3 The public shall be provided with at least 30 days' notice prior to the public hearing, and the opportunity for public comment, on a proposed Board action to adjust the Title V emissions fee rate. Legal notice shall be made in accordance with KRS Chapter 424 Legal Notices, and
- 4.3.4 The Board shall hold a public hearing on the proposed Board action to adjust the Title V emissions fee rate.

SECTION 5 Transition Period

- 5.1 In addition to the billing of Title V fees as required by Section 1, the District shall continue to issue, as appropriate, non-Title V operating permits to a Title V source whose operating permits expire before issuance of a Title V permit. The permit fee for each non-Title V operating permit renewal at a Title V source whose non-Title V operating permit expires on or after December 15, 1993, and before July 1, 1994, shall be \$450. A non-Title V operating permit renewal for a Title V source whose non-Title V operating permit expires on or after July 1, 1994, shall be issued at no charge to the owner or operator if the stationary source is considered by the District to be a Title V source at the time that the non-Title V operating permit expires. Non-Title V operating permits issued in the interim for a Title V source shall expire when the Title V permit is issued.
- 5.2 A stationary source is considered by the District to be a Title V source if it meets 1 of the following:
- 5.2.1 The District has issued a Title V operating permit to the stationary source,
- 5.2.2 The District has determined that the stationary source has submitted an administratively

- complete Title V permit application, or
- 5.2.3 The District had, for Fiscal Years 1995, 1996, or 1997, included the emissions from the stationary source in the emissions inventory list of Title V companies that was used for determining the final Title V emission fee rate for that fiscal year.
- 5.3 A Title V emissions fee credit for the unexpended portion of the non-Title V operating permit fees at a Title V source shall be made as follows:

$$C = (0.51 P) \frac{(T - M)}{T} (N)$$

where:

- C = Title V emissions fees credit, in dollars.
- 0.51 = The fraction of the operating permit fee that does not represent the initial cost of inspection and reissuance.
- P = The non-Title V operating permit fee, pursuant to section 2.6, in dollars.
- T = Term of the issued non-Title V operating permit, in months.
- M = Number of months from effective date of non-Title V operating permit renewals to July 1st of the fiscal year in which the stationary source was considered a Title V source, in months.
- N = Number of current non-Title V operating permits.

SECTION 6 Additional Program Fees

- 6.1 Starting in Fiscal Year 1999, annual Risk Management Plan (RMP) program fees are required from all stationary sources that are subject to the requirements of Regulation 5.15 *Chemical Accident Prevention Provisions* except for those stationary sources that are also subject to Title V emissions fees pursuant to Section 1.
- 6.2 The RMP program fee is as follows:
- 6.2.1 For Fiscal Year 1999, \$110,
- 6.2.2 For Fiscal Year 2000, \$480, and
- 6.2.3 Starting in Fiscal Year 2001, the RMP program fee shall be calculated by multiplying the fee for the previous fiscal year by the sum of 1 plus the fractional change in the Consumer Price Index as is used in section 1.2 for calculating the Title V emissions fee rate, rounded to the nearest dollar. The District shall make available, at the beginning of each fiscal year, a document that lists the calculated fee applicable to that fiscal year.
- 6.3 For Fiscal Year 2005, Toxic Air Contaminant (TAC) program fees are required from each stationary source that, as of July 1, 2004, was subject to Regulation 2.16 *Title V Operating Permits* (Title V source), each stationary source that, as of July 1, 2004, applied for an operating permit pursuant to Regulation 2.17 *Federally Enforceable District Origin Operating Permits* (FEDOOP source), and each stationary source that is neither a Title V source nor a FEDOOP source but, for calendar year 2002, had actual emissions of 25 or more tons per year individually of sulfur dioxide, particulate matter, volatile organic compounds, or oxides of nitrogen (25 ton source). The TAC program fees are as follows:
- 6.3.1 For a Title V source, the sum of the following:
- 6.3.1.1 \$2,529, and
- 6.3.1.2 The proportional amount of \$108,750 based upon the percentage for the Title V source of the total hazardous air pollutant (HAP) and ammonia emissions reported

292 to the District for 2002. The District will make available a list of the Title V sources,
293 the HAP and ammonia emissions reported by each Title V source, and the percentage
294 of the total for each Title V source, and

295 6.3.2 For a FEDOOP source and a 25 ton source, \$335.

296 6.43 Program fees are payable by cash, check, or money order to the District and due 30 days after
297 the issuance of a statement of fees by the District. Failure to timely pay program fees may
298 cause the issuance of a notice of violation. In addition, failure to pay program fees pursuant
299 to section 6.3 within 60 days of the due date shall automatically cause the stationary source's
300 construction and operating permits to be suspended until the fees are paid or a schedule for
301 payment acceptable to the District has been established.

302 Adopted v1/6-13-79, effective 6-13-79; amended v2/4-21-82, v3/11-16-83, v4/12-17-86, v5/6-20-90,
303 v6/7-15-92, v7/5-19-93, v8/12-15-93, v9/5-25-94, v10/6-21-95, v11/9-20-95, v12/7-17-96,
304 v13/3-19-97, v14/4-16-97, v15/9-16-98, v16/6-16-99, v17/5-17-00, v18/12-20-00, v19/9-19-01.